

## REMARKS/ARGUMENTS

Claims 1-28 are pending in the application, and were rejected in the Office Action of June 30, 2006. Reconsideration of the claims based on the following remarks is respectfully requested.

### **§ 103 Rejections**

Claims 1 - 28 have been rejected under 35 U.S.C. Section 103 as unpatentable over Haack, et al in view of Gilliland. Reconsideration in view of the following remarks is respectfully requested.

As recited in claim 1, the present invention provides a material handling vehicle comprising an operator compartment having a fore operator control handle mounted at a first end of the operator compartment and an aft operator control handle provided at a second end of the compartment. A steering mechanism is provided on the vehicle, and is mounted to be accessible to an operator facing the first end of the operator compartment and controlling the fore operator control handle and to an operator facing the second end of the compartment and controlling the aft operator control handle. This configuration provides ergonomic advantages, allowing the operator to control the vehicle while facing fore and using the fore control handle, and while facing aft and using the aft control handle, and while using a single steering mechanism accessible in both orientations, thereby minimizing the number of components.

Haack discloses an industrial delivery truck, particularly a pickup and delivery truck. Reconfigurable modules that include steering and control functions can be selectively positioned at the front of the operator compartment or at the back of the operator

compartment. The modules are positionable to provide three defined "operating possibilities", which are shown in the Figures and are clearly delineated at column 7 line 55 through column 8 line 17. Specifically, these configurations are: facing the rear and operating controls positioned at the rear (323 and 325); facing the fore and operating controls positioned at the fore (325' and 326) and facing transverse to the direction of travel, and operating controls provided at opposing ends of the vehicle (323 and 325'). Two separate deadman foot switches 247 and 249 are provided for use in these different configurations, and travel operation is unblocked only when a respective foot switch is depressed.

Gilliland discloses a control handle for a pallet truck that combines steering and other control functions in a single handle. The control handle is mounted at a forward end of a power unit 15 through a rotatable plate 45 that is coupled to a steering mechanism for controlling the direction of the vehicle. Twist grips are provided between the arms of a U-shaped yoke in the handle. The vehicle is particularly designed to allow an operator to control the vehicle while walking alongside.

In the office action, it is asserted, with reference to Figure 4 of Haack, that the operator can "keep the left hand on handle 223 and pivot the right hand to control 225', thereby using the same steering control 223 while facing either direction". The Applicants respectfully disagree.

In the embodiment of Fig. 4 the operator does not face "either direction" while operating controls 223, 225, and 225'. As is shown in Figure 4, and as is clearly stated in the specification, when using controls 223 and 225', the operator is facing neither the fore nor the aft of the vehicle, but transverse to the direction of travel (see column 6, lines 44 - 46). Fig. 4, in fact, does not show any configuration in which the operator is using the same steering

control while facing the fore and aft. Rather, Fig. 4 shows the operator facing in a third direction, specifically transverse to the direction of travel. This stance, moreover, is touted as "very advantageous", particularly where "frequent switching between forward travel operation and backward travel operation takes place". Rather than teaching or suggesting that the steering element be positioned to allow the operator to operate the vehicle while facing both the fore and the aft, the specification teaches the advantages of providing the controls on opposite ends to allow the operator to face transverse to the direction of travel during operation.

In view of these distinctions, the Applicants respectfully submit that the cited references fail to provide all of the elements of the claims, and the Applicants respectfully request that the rejection of the claims under 35 U.S.C. § 103 be withdrawn.

Each of the independent claims, moreover, include limitations which are neither taught nor suggested in the cited references.

Claim 1 further recites a "twist grip handle mounted to a second end of the compartment and configured for operation in the aft vehicle direction". In the office action it is asserted that it would be obvious to use a twist grip handle to "provide a simple control mechanism for the vehicle". Neither Haack nor Gilliland, however, discloses a twist grip mounted to either end of an operator compartment. Haack does not disclose a twist grip at all. Gilliland discloses a twist grip mounted in a T-shaped control handle mounted on the power unit of the vehicle, and to a rotatable plate, such that the twist grip rotates as the handle is turned. There is no teaching or suggestion in either of these references which would motivate mounting a twist grip in a second end of an operator compartment, and none has been cited.

Claim 12 recites a second control handle mounted for access by an operator facing a second direction, and mounted a distance from the floor and at an angle referenced to a side of the compartment selected to be perpendicular to the arm of the operator. Again, neither Haack nor Gilliland discloses, teaches or suggests a control handle as recited in the claim. Gilliland, the only reference that discloses a twist grip, teaches a grip that rotates with the control handle, in a position that is clearly not referenced to any stationary component, including a side of the compartment. Haack does not discuss monitoring a twist grip at all, and is silent regarding any particular configuration for such a handle.

Claim 21 recites a twist grip handle provided near an end of the compartment opposite the forks and configured to be substantially perpendicular to the arm of the operator while controlling the aft handle to drive the lift truck in the aft direction. Again, neither of the cited references disclose a twist grip mounted to either end of an operator compartment, or that is mounted in any particular orientation at the side of the compartment. Neither reference, moreover, provides any motivation to provide a twist grip as an aft control handle, or to mount the twist grip handle to be perpendicular to the arm of an operator.

In view of the distinctions noted, the Applicants submit that the claims distinguish over the cited references, and respectfully request that the rejection of the claims in view of the cited references be withdrawn.

A three month extension and the fee for filing the enclosed information disclosure statement are believed necessary in accordance with this response. A check for these fees is closed. Please charge any other fees under 37 CFR § 1.17 that may be due on this application to Deposit Account 17-0055. The Commissioner is also authorized to treat this amendment and any future reply in this matter requiring a petition for an extension of time as

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incorporating a petition for extension of time for the appropriate length of time as provided by  
37 CFR § 136(a)(3).

Respectfully submitted,

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